IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 21309 of 2006(J)

PETITIONER:

JACOB T. ABRAHAM,
THANNIMOLAYIL HOUSE, KOLENCHERRY.

BY ADV. SRI. K. SURENDRA MOHAN
SMT. N. DHANYA

RESPONDENTS:
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1. **THE DEPUTY TAHSILDAR (REVENUE RECOVERY),**
   TALUK OFFICE, KUNNATHUNAD, PERUMBAVOOR.

2. **THE ADDITIONAL DISTRICT EXECUTIVE**
   OFFICER, KERALA MOTOR TRANSPORT WORKERS WELFARE
   FUND BOARD, ERNAKULAM.

3. **THE DISTRICT EXECUTIVE OFFICER,**
   KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
   BOARD, ERNAKULAM.

4. **THE STATE OF KERALA, REPRESENTED BY**
   THE CHIEF SECRETARY TO GOVERNMENT,
   GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI. P. RAMAKRISHNAN, SC, KMTWF BOARD
GOVERNMENT PLEADER SRI. MATHEW VADAKKEL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

WP(C) No. 21309 of 2006

Dated, this the 26th day of October, 2007

J U D G M E N T

The petitioner was the Managing Partner of M/s.Fivestar Traders and Financiers, Kolancherry. According to the petitioner, the firm was assessed to contribution under the Motor Transport Workers Welfare Fund Act. An order of determination came to be passed on 28/12/2005, which according to the petitioner was served on him on 19/01/2006. Petitioner preferred Ext.P3 review petition in relation to the said order, apparently on the premise that the remedy in relation to final determination order is by way of review under Section 8(2) of the Motor Transport Worker's Welfare Fund Act..

2. The learned Standing Counsel for respondents 2 & 3 submits that in relation to an order of assessment for the period prior to August, 2005, the remedy of an aggrieved person, in relation to an order of determination, is to file an appeal. The Government continues to be the appellate authority, in so far as, those orders are concerned.

3. After having heard the learned counsel for the petitioner, the learned Standing Counsel for the Kerala Motor Transport

Workers Welfare Fund Board as also the learned Government Pleader, this writ petition is disposed of permitting the petitioner to file an appeal against the order of determination mentioned in Ext.P3 within a period of three weeks from today. If the appeal is filed within the said period, the Government shall treat the same as within time and dispose it of in accordance with law. Since an order of stay is passed by this Court on 10/08/2006, same shall continue for a period of two months from today. Further enforcement of the demand will abide by any interim orders that the appellate authority may pass in that regard.

This writ petition is disposed of as above.

Sd/-

(V.GIRI, JUDGE.)

jg

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PA TO JUDGE.